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8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **EASTERN DIVISION – RIVERSIDE**

12 BLUETRITON BRANDS, INC.,

13 Plaintiff,

14 vs.

15 UNITED STATES FOREST SERVICE, *et*
16 *al.*,

17 Defendants.
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Case No.: 2:24-cv-09720-JGB-DTB

**SUPPLEMENTAL *AMICUS CURIAE* BRIEF
OF SAVE OUR FOREST, INC.**

Date: January 13, 2025

Time: 9:00 a.m.

Courtroom: 1

Judge: Hon. Jesus G. Bernal

Action Filed: August 6, 2024

1 BlueTriton Brands (“**BTB**”) has apparently still not provided the US Forest Service with any
2 proof supporting whatever BTB’s present theory is of the basis of BTB’s right to the water in
3 Strawberry Canyon. BTB is seeking through its lawsuit against the State Water Resources Control
4 Board (“**SWRCB**”) in Fresno Superior Court a ruling that the SWRCB does not have jurisdiction
5 over the water BTB diverts from the Headwaters Springs in Strawberry Canyon (“**Springs**”)—
6 basically that the water is not surface but groundwater. If BTB loses, then BTB cannot prove right
7 to the water in the Springs. Even if BTB wins in Fresno, that still does not establish that BTB has a
8 right to the water it takes (whether groundwater, riparian, or some other classification)—it only
9 proves the water is not within the SWRCB’s jurisdiction. If the Springs are determined in Fresno to
10 be groundwater outside of the SWRCB’s jurisdiction, for example, then the right to the water is
11 held presumptively by the overlying landowner(s), as discussed in Save Our Forest Association’s
12 (“**SOFA**”) amicus brief (ECF 19). BTB would need to provide that information to the USFS before
13 the USFS could give BTB a permit. To date, based upon FOIA requests to the USFS, BTB has still
14 elected to not provide that information, presumably because it is aware that offering conflicting
15 theories in different forums will undermine BTB’s credibility in both. It is that application
16 information deficit, languishing for years, that undermines BTB’s cry of urgency in support of its
17 motion for preliminary relief.

18 A third party—the Yuhaaviatam Clan of the Maara’yam (Serrano) (sometimes called the San
19 Manuel Band of Mission Indians, here “**Yuhaaviatam**”), which has no special use permit (“**SUP**”)
20 from the USFS, is now receiving all water diverted by BTB. Counsel for SOFA met with counsel for
21 the Yuhaaviatam on January 8, 2025, and confirmed that the Yuhaaviatam has never applied for, nor
22 does it hold, an SUP from the USFS to divert water from the San Bernardino National Forest.¹

23 In short, just because BTB has been taking water for years from federal land does not mean
24 it is entitled to continue doing so, especially in the face of the following existing and continuing
25 facts:

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28 ¹ SOFA does not (and could not) object to the Yuhaaviatam applying for an SUP or the USFS considering any such application.

